IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.19944 of 1997

Dated: 25-01-2007

Between:

1. Shaik Saleem, s/o Imam Saheb,
   aged about 41 years,
   agriculture,
   r/o Lankapalli village,
   Penuballi Mandal,
   Khammam District and 3 others.

... Petitioners

and

1. The Joint Collector, Khammam and 2 others.

... Respondents

ORDER:

This writ petition is filed seeking to set aside the order of the first respondent passed in Proceedings No.B4/4719/97, dated 18-05-1997 and consequently to direct first respondent to dispose of the revision petition of petitioners filed against the orders of third respondent, dated 31-03-1995.

2. It is the case of petitioners that their father was assigned an agricultural land and was granted assigned patta in an extent of Ac.1-02 guntas in Survey No.258/1 situated at Lankapalli village, Penuballi Mandal, Khammam District. According to petitioners as respondent Nos.4 and 5 occupied the said land illegally, a petition seeking restoration of land was filed before third respondent and the same was allowed vide Proceedings in Rc.No.B/1727/92, dated 10-03-1993. As against the said orders, it appears respondents 4 and 5 preferred an appeal and the appellate authority i.e. the second respondent herein without notice to petitioners, set aside the order dated 10-03-1993 passed by the third respondent, vide proceedings in D.Dis.No.B1/5314/93, dated 31-08-1995. Coming to know of the said order, petitioners filed a revision before the first respondent herein, but as there was delay of 512 days, they filed a petition to condone the delay, but, however, the first respondent refused to condone the delay and dismissed the application and hence, this writ petition.

3. No counter affidavit is filed.

4. Heard learned counsel for the parties.

5. Inasmuch as the orders passed by the second respondent on
31-08-1995 is without notice to the petitioners and behind their back,
this Court is of the view that the revisional authority i.e.

the first petitioner herein should have entertained the revision by condoning the said delay.

6. Accordingly, the writ petition is allowed and the order dismissing the petition to condone the delay in filing the revision is set aside. The first respondent is hereby directed to dispose of the revision, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

JUSTICE GOPALAKRISHNA TAMADA

Dt.25-01-2007
GLV